

FILED
Clerk
District Court

JUL 11 2008

For The Northern Mariana Islands
By _____
(Deputy Clerk)

**IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO.: 08-00014-001
)	
Plaintiff,)	
)	INFORMATIONAL REPORT
vs.)	
)	
GREGGORY S. KALEN,)	
)	
Defendant.)	
_____)	

Re: Violation of Pretrial Release Conditions, Request for Modification

On April 23, 2008, Mr. Gregory Sablan Kalen was charged along with Lawrence S. Kalen and Manuel Aldan Sablan in a three count Indictment which alleged: Count I - Conspiracy to Distribute D-Methamphetamine Hydrochloride, in violation of 21 U.S.C. §§ 846 and 841(a)(1); Count II - Distribution and Possession with Intent to Distribute D-Methamphetamine Hydrochloride, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); and Count III - Distribution and Possession with Intent to Distribute D-Methamphetamine Hydrochloride, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 18 U.S.C. § 2. On April 24, 2008, he was arrested by federal agents and brought before the court for an Initial Appearance/Arraignment hearing. Through appointed counsel, Mr. F. Matthew Smith, the defendant entered a plea of not guilty and trial was set for June 30, 2008. The defendant was remanded to the custody of the U.S. Marshal Service.

On June 6, 2008, the defendant returned to court for a Bail Modification hearing, at which time the court released him to the custody of his mother, Lourdes S. Kalen, and his sister, Jessica K. Dela Cruz, with conditions to include: post a \$5,000 unsecured bond; submit to pretrial services supervision; surrender his passport and/or travel documents to the Clerk of Court and not obtain any new one; not leave the island of Saipan without written approval from the Court; not relocate from the residence of his third party custodian without written permission from the Court; avoid all contact, directly or indirectly, with any persons who are or who may become a victim of potential witness in the subject

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investigation or prosecution, including but not limited to co-defendants, unless in the presence of his counsel or for the preparation of his defense in his case; refrain from possessing a firearm, destructive device, or other dangerous weapon; refrain from any use of alcohol; refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner; submit to any method of testing required by the pretrial services office or supervising officer for determining whether the defendant is using a prohibited substance; refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which are required as conditions of release; and submit to home detention with electronic monitoring.

On June 13, 2008, Mr. Kalen returned to Court with his attorney and entered a plea of guilty to Count II of the Indictment. His guilty plea was accepted and he was adjudged guilty of the offense. Sentencing was scheduled for September 23, 2008 and the defendant was allowed to remain at liberty under the previously imposed conditions, with the exception that he would be allowed to work between the hours of 6:00 am to 6:00 pm.

The defendant is alleged to have violated the following condition:

Special Condition: *The defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.*

On June 30, 2008, Mr. Kalen reported to Marianas Psychiatric Services (MPS) for a random drug test, which yielded a presumptive positive result for the presence of methamphetamine. The following day, he reported to the U.S. Probation Office for a compliance meeting. Mr. Kalen admitted to this officer that he smoked "ice" the previous day because he was under a great deal of stress following the death of his father and the subsequent funeral and rosary preparations. He signed an admission form.

Recommendation: It is recommended that the Court modify Mr. Kalen's pretrial release conditions, pursuant to 18 U.S.C. §3142(c)(3) to include:

1. The defendant will participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.

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Mr. Kalen and his attorney have agreed to the proposed modification and have executed Pretrial Services Form PS42, Consent to Modify Conditions of Release. Mr. Kalen will be referred to MPS for a substance abuse evaluation. He has been warned that future violations will be reported to the court immediately and may result in the revocation of this release status.

Respectfully submitted,

ROSANNA VILLAGOMEZ-AGUON

Chief U.S. Probation Officer

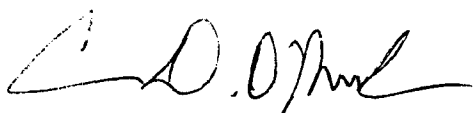
By:



MELINDA N. BRUNSON

U.S. Probation Officer

Reviewed by:



CARMEN D. O'MALLAN

U.S. Probation Officer Specialist

Supervision Unit Leader

cc: Eric O'Malley, Assistant U.S. Attorney
F. Matthew Smith, Defense Counsel
File